

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/035,749
Filing Date	10/23/2001
First Named Inventor	Thomas J. Watson
Art Unit	2878
Examiner Name	Timothy J. Moran
Attorney Docket Number	8216

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Statement Accompanying Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing
<div style="border: 1px solid black; padding: 2px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Reinhart Boerner Van Deuren s.c.		
Signature			
Printed Name	Leslie S. Miller		
Date	January 18, 2005	Reg. No.	30,662

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Leslie S. Miller	Date	January 18, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<div><div>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</div><div><div>15</div><div>21</div><div>2005</div></div><div><div>PATENT</div><div>TRADEMARK</div></div><div><div>FEE TRANSMITTAL</div><div>for FY 2005</div></div></div> <div><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</div> <div><div>TOTAL AMOUNT OF PAYMENT</div><div>(\$)</div><div>1,500.00</div></div>		Complete if Known	
		Application Number	10/035,749
		Filing Date	10/23/2001
		First Named Inventor	Thomas J. Watson
		Examiner Name	Timothy J. Moran
		Art Unit	2878
		Attorney Docket No.	8216

METHOD OF PAYMENT (check all that apply)

- ☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : _____
- ☐ Deposit Account Deposit Account Number: 18-0882 Deposit Account Name: Reinhart Boerner Van Deuren s.c.
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) ☐ Credit any overpayments
- Under 37 CFR 1.16 and 1.17, except for the issue fee
- WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description		Small Entity	
		Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)		50	25
Each independent claim over 3 (including Reissues)		200	100
Multiple dependent claims		360	180
Total Claims		Multiple Dependent Claims	
		Fee (\$)	Fee Paid (\$)
_____ -20 or HP= _____ x _____ = _____		_____	_____
HP = highest number of total claims paid for, if greater than 20.			
Indep. Claims		Fee Paid (\$)	
		Fee (\$)	Fee Paid (\$)
_____ - 3 or HP= _____ x _____ = _____		_____	_____
HP = highest number of independent claims paid for, if greater than 3.			

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x		

4. OTHER FEE(S)

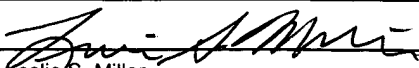
Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : Petition for Revival of an Appl. for Patent Abandoned for Failure to Notify

The Office of a Foreign or International Filing

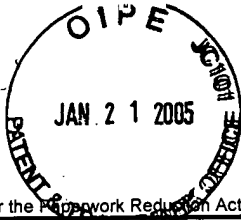
\$1,500.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	30,662	Telephone	414-298-8321
Name (Print/Type)	Leslie S. Miller	Date	January 18, 2005		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2. MW1161721



DAE
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PTO/SB/64a (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN
OR INTERNATIONAL FILING (37 CFR 1.137(f))**

Docket Number (Optional)

8216

First named inventor: Thomas J. Watson

Application No.: 10/035,749

Art Unit: 2878

Filed: October 23, 2001

Examiner: Timothy J. Moran

Title: System and Method of Automatic Dynamic Calibration for Infrared Sensing Device

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION
UNDER 37 CFR 1.137(b)

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity – fee \$ 1,500.00 (37 CFR 1.17(m))

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is October 23, 2001.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

 _____ Signature	_____ January 18, 2005 Date
_____ Leslie S. Miller Typed or printed name	_____ 30,662 Registration Number, if applicable
_____ 1000 North Water Street, Suite 2100 Address	_____ 414-298-8321 Telephone Number
_____ Milwaukee, WI 53202 Address	

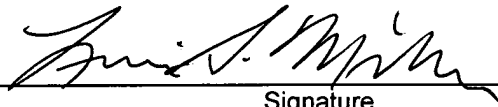
Enclosures: ☒ Fee Payment
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

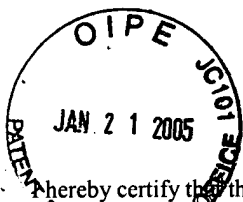
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

_____ January 18, 2005 Date	 _____ Signature
	_____ Leslie S. Miller Typed or printed name of person signing certificate



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: January 18, 2005.

Reinhart Boerner Van Deuren S.C.

By: Leslie S. Miller
Leslie S. Miller

Date: January 18, 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT: 2878

EXAMINER: TIMOTHY J. MORAN

In re application of: Thomas J.)
Watson)
Application No: 10/035,749)
Filed: October 23, 2001)
U.S. Patent No.: 6,707,030)
Granted: March 16, 2004)
Attorney Docket No. 8216)

For: SYSTEM AND METHOD OF
AUTOMATIC DYNAMIC
CALIBRATION FOR
INFRARED SENSING DEVICE

Commissioner for Patents
Attention: Office of Petitions
Mail Stop Petition
P.O. Box 1450
Alexandria, VA 22313-1450

January 18, 2005

STATEMENT ACCOMPANYING PETITION FOR REVIVAL
OF AN APPLICATION FOR PATENT ABANDONED
FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN
OR INTERNATIONAL FILING UNDER 37 C.F.R. 1.137(f)

Sir:

Applicants have recently learned that Applicants' nonpublication request in the patent application resulting in the above-identified patent was not rescinded, although the invention disclosed in the patent application resulting in the above-identified patent is the subject of WO 2002/061955, EP 1330882, and AU 2002249880, and that there was no notification of the foreign (or multilateral) filings. Accordingly, since the patent application (and the resulting patent) may be technically held as abandoned, Applicants are filing a petition under 37 CFR 1.137(b)(f).

Applicants' undersigned attorney has taken over the prosecution of the present patent and its underlying patent application and a number of related patent applications, and recently became aware of this situation with regard to a related patent application. Following a review of the present patent and its underlying patent application and the foreign (and multilateral) filings referenced by the Examiner in a related patent application, it appears that the present patent and its underlying patent application also have this issue. A number of other related patent applications which are commonly owned and directed to related subject matter, as well another issued patent which is also commonly owned and directed to related subject matter, have the same error in that they also requested nonpublication and failed to rescind the nonpublication request in a timely fashion.

Applicants' undersigned attorney has spoken with members of the U.S. Patent and Trademark Office Office of Petitions, including Mr. Jayprakash N. Gandhi, Mr. Paul A. Shanoski, and Mr. Mark O. Polutta regarding the various cases. Applicants greatly appreciate the kind assistance afforded by these individuals. It has come to the attention of Applicants' undersigned attorney in the course of these discussions that a number of attorneys and firms have made such mistakes.

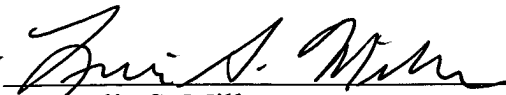
The failure to rescind the request not to publish was inadvertent and not intended by Applicants. A copy of a Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign of International Filing (Form PTO/SB/64a) and the requisite fee of \$1,500.00 is enclosed herewith. The U.S. Patent and Trademark Office is also authorized to charge any additional fee(s) required to restore the present patent and its underlying patent application to non-abandoned status, or to credit any overpayment, to Deposit Account No. 18-0882.

Accordingly, Applicants respectfully request favorable consideration of the Petition to Revive and restoration of the present patent and its underlying patent application to non-abandoned status. **In addition, the revival of the underlying patent application for purposes of continuity is also respectfully requested.** Should the Office of Petitions believe that the restoration of the present patent and its underlying patent application to non-abandoned status may be expedited by a telephonic discussion,

the Office of Petitions is requested to call Applicants' undersigned attorney at the number listed below.

Respectfully submitted:

BY



Leslie S. Miller

Attorney for Applicants

Registration No. 30,662

Reinhart Boerner Van Deuren s.c.
1000 North Water Street, Suite 2100
Milwaukee, WI 53202

(414) 298-8321

Customer No. 22922

MW/1161666